

To: CN=Bella Patheal-Centenera/OU=R10/O=USEPA/C=US@EPA[]
Cc: []
Bcc: CN=Jayne Carlin/OU=R10/O=USEPA/C=US[]
From: CN=Jayne Carlin/OU=R10/O=USEPA/C=US
Sent: Tue 4/10/2012 1:38:55 AM
Subject: ACTION: Please Include Me When Setting Up the Meeting on NWEA letter on OR's IR TMDL process and possible response

Bella,

See below.

Jayne

Jayne Carlin, Watersheds Unit
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----- Forwarded by Jayne Carlin/R10/USEPA/US on 04/09/2012 06:38 PM -----

From: Christine Psyk/R10/USEPA/US
To: Jayne Carlin/R10/USEPA/US@EPA
Date: 04/09/2012 05:33 PM
Subject: Fw: NWEA letter on OR's IR TMDL process and possible response

FYI--Jayne, please touch base with Dave P. and Bella to make sure they include you in the meeting notice.

Christine Psyk
 Associate Director
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----- Forwarded by Christine Psyk/R10/USEPA/US on 04/09/2012 05:32 PM -----

From: David Powers/R10/USEPA/US
To: Mike Bussell/R10/USEPA/US@EPA, Anthony Barber/R10/USEPA/US@EPA, Christine Psyk/R10/USEPA/US@EPA, Bella Patheal-Centenera/R10/USEPA/US@EPA
Cc: Ankur Tohan/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA
Date: 04/09/2012 05:27 PM
Subject: NWEA letter on OR's IR TMDL process and possible response

Mike - per your request - NWEA sent an April 3, 2012 letter to EPA and NOAA expressing grave concerns about their perception that OR DEQ is not moving forward with the mid-coast implementation ready (IR) TMDL consistent with the CZARA settlement agreement. I've looked at the concerns in NWEA's April 3, 2012 letter, compared commitments that OR DEQ made with respect to implementation ready TMDLs, and have talked to R10 and NOAA Coastal Program folks.

I believe that NWEA raises some legitimate timing concerns related to the settlement agreement. Timelines for completing several IR TMDL related products that relate to settlement agreement timelines have slipped. The collaborative process that DEQ is using to develop the IR TMDL combined with new proposed steps with OR's designated management agencies (ODF, ODA, USFS, cities) have complicated and slowed progress. NWEA is correct that it is not as direct and straightforward as initially envisioned.

However, I believe that DEQ is still moving forward with a proposal consistent with their July 26, 2010 commitment letter to EPA and NOAA...they are still developing an IR TMDL that will include an implementation plan with management measures that meet TMDL load allocations.... and that are backed by enforceable authority. We may need to address the timing issue with DEQ (and ultimately with NWEA and DOJ) depending on the pace of progress. A written EPA/NOAA assessment of DEQ's approach needs to be shared with NWEA by Dec. 2012. Keeping the pressure on to keep things moving forward is key at this point. Depending on progress we may need to address timing issues later this summer.

I recommend that we draft a letter to Nina thanking her April 3, 2021 letter. Let her know that we'll continue to work with the State to move the IR TMDL effort forward expeditiously and consistent with the State proposal and settlement agreement. NOAA staff share this perspective. We could do a joint letter or coordinate to send similar letters.

Bella - can you look at the calendars of the above folks and try to set up a meeting this week or next. thanks, Dave

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